

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

CHARLES GRIMES
Plaintiff,

v.

**COMPANION PROPERTY AND
CASUALTY INSURANCE COMPANY
AND TAUREAN SINGH**
Defendants.

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CIVIL ACTION NO. 9:15-cv-00074

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE SURREPLY
TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE MICHAEL H. SCHNEIDER:

Plaintiff Charles Grimes files this his Plaintiff’s Unopposed Motion to Extend Deadline to File Surreply to Defendants’ Motion for Summary Judgment and would respectfully show unto the Court as follows:

I. Background

1. This case arises out of disputes between Plaintiff and Defendants over the investigation of and failure to pay an insurance claim made for damage to Plaintiff’s property resulting from a fire. Plaintiff contends that Defendants, collectively, failed to properly investigate and wrongfully denied the claim at issue. Plaintiff brought claims against both Defendant Companion Property and Casualty Insurance Company (“Companion”) and Taurean Singh (“Singh”) for violations of the Texas Insurance Code and Texas Deceptive Trade Practices - Consumer Protection Act.

2. On September 11, 2015, this Court issued a scheduling order setting forth the deadlines in this matter and setting this cause for trial for July 11, 2016. The discovery period ends on March 14, 2016.

3. On September 18, 2015, Plaintiff filed a motion to remand seeking remand of this case to state court on the basis of lack of federal diversity and wrongful removal.

4. On October 22, 2015, Plaintiff served his Initial Disclosures upon Defendants. On October 23, 2015, Defendants served their Initial Disclosures upon Plaintiff.

5. On November 20, 2015, Defendants filed a motion for summary judgment seeking judgment on the entire case. As of the time Defendants filed their motion for summary judgment, no discovery had been conducted other than the exchange of Initial Disclosures by the parties.

6. On November 22, 2015, in response to receipt of Defendants' motion for summary judgment, Plaintiff's counsel informed Defendants' counsel that written discovery and depositions would be required in order to be in a position to respond to Defendants' motion. On Monday, November 24, 2015, Plaintiffs served First Set of Interrogatories and Request for Production upon Defendant Companion Property and Casualty Company. Defendant Companion Property and Casualty Company has responded to such discovery. Additionally, the deposition of the adjuster has been taken by Plaintiff.

7. As agreed to by the Defendants, Plaintiff respectfully requests the Court to extend the time for Plaintiff to file its Surreply to Defendant's Motion for Partial Summary Judgment to March 4, 2016.

II. Argument and Authorities

8. Plaintiff's counsel, Robert Grisham, was in mediation in another matter on February 22, 2016 and in deposition on February 23, 2016. Finally, Plaintiff's counsel, Robert Grisham, has prepaid vacation plans from February 24 - 28, 2016. Robert Grisham is writing the Surreply. This request is not made for delay, but so justice can be done.

9. Plaintiff respectfully requests the Court to extend the time for Plaintiff to file a Surreply to Defendant's Motion for Partial Summary Judgment until March 4, 2016.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Court extend the time for Plaintiff to file a Surreply to Defendant's Motion for Summary Judgment. Plaintiff prays for such other and further relief to which they may show themselves entitled.

/s/ Robert N. Grisham II

Robert N. Grisham II

State Bar No. 00792550

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I certify that on February 23, 2016, I personally conducted a conference with Mr. Michael Truncale, counsel for Defendants, by telephone concerning this motion. After discussing this motion, Mr. Truncale indicated that he is unopposed. I have complied with the meet and confer requirement in LOCAL RULE CV-7(h) and this motion is unopposed.

/s/Scott M. Keller

Scott M. Keller

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2015 a true and correct copy of the foregoing was delivered to all counsel of record by electronic filing.

/s/Robert N. Grisham II

Robert N. Grisham II